

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM

On October 29, 2007, the Defendant appeared before me pursuant to Rule 11 of the Federal Rules of Criminal Procedure and entered pleas of guilty to a three-count Indictment charging him with Theft of Government Property, in violation of 18 U.S.C. § 641, Destruction of Veterans' Memorials, in violation of 18 U.S.C. § 1369, and Criminal Conspiracy to Transport Stolen Goods in Foreign Commerce, in violation of 18 U.S.C. § 2314. At the conclusion of the hearing, defense counsel requested two modifications to the Defendant's release conditions: (1) to eliminate the need for weekly telephonic reporting with the U.S. Probation Office, and (2) to delete the alcohol testing requirement. The Government took no position with regard to the alcohol testing but maintained that the weekly telephonic contact with the U.S. Probation Office remain since it believed that such a condition was not too onerous or unreasonable. The U.S. Probation Office had no objection to eliminating the need for weekly telephonic contact but requested the Court maintain the alcohol testing condition.

After listening to the arguments for and against the requested modifications, the below-signed judge hereby recommends that the Chief Judge remove the requirement that the Defendant report weekly by telephone with the U.S. Probation Office, but maintain the condition that the Defendant be subjected to random alcohol testing.

IT IS SO RECOMMENDED.



**/s/ Joaquin V.E. Manibusan, Jr.
U.S. Magistrate Judge
Dated: Oct 30, 2007**

NOTICE

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).